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11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA (Oakland)

15 CENTER FOR BIOLOGICAL DIVERSITY,
16 ET AL.,

17 Plaintiffs,

18 vs.

19 HAALAND, ET AL.,

20 Federal Defendants.

Case. No. 4:19-cv-05206-JST

**JOINT STATUS REPORT AND
STIPULATION TO CONTINUE
STAY OF PROCEEDINGS FOR
30 DAYS AND ~~{PROPOSED}~~
ORDER**

22 Pursuant to Civil Local Rule 7-12 and 16-2, Federal Defendants and
23 Plaintiffs in the three related cases of *Center for Biological Diversity v. Haaland*,
24 No. 19-cv-05206, *California v. Haaland*, No. 19-cv-06013, and *Animal Legal Def.*
25 *Fund v. Haaland*, No. 19-cv-06812, provide the following status report and stipulate
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1 to continue the stay of proceedings for 30 days. Intervenor-Defendants do not join
2 in the stipulation, but do not oppose extension of the stay for an additional 30 days.
3 In support of the joint stipulation, the Federal Defendants and Plaintiffs set forth
4 the following reasons:

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6 1. These related cases¹ challenge three Endangered Species Act (“ESA”) final
7 rules promulgated by the U.S. Fish and Wildlife Service within the U.S.
8 Department of the Interior, two of which were jointly promulgated with the
9 National Marine Fisheries Service within the National Oceanic and Atmospheric
10 Administration, U.S. Department of Commerce. *See* 84 Fed. Reg. 45020 (Section 4
11 revisions); 84 Fed. Reg. 44753 (Section 4(d) revisions); and 84 Fed. Reg. 44976
12 (Section 7(a)(2) revisions).

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14 2. On November 19, 2020, the Court entered an amended case management
15 order. ECF 111. In accordance with that order, Plaintiffs filed their motions for
16 summary judgment on January 19, 2021. ECF 86; ECF 116; ECF 130.

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18 3. On January 20, 2021, President Biden issued an Executive Order entitled
19 “Executive Order on Protecting Public Health and the Environment and Restoring
20 Science to Tackle the Climate Crisis.” In conformance with the Executive Order,
21 Federal Defendants are in the process of reviewing many final rules promulgated in
22 the last four years, including the final rules at issue in this case.
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26 ¹ On January 27, 2021, the Court related *State of California v. Haaland*, 21-cv-
27 00440-JST (N.D. Cal.), with the above-related cases. ECF 136. Federal Defendants
and State-Plaintiffs in that case will be filing a similar stipulated motion.

1 4. On February 9, 2021, the Parties requested a stay of proceedings for 60 days
 2 to give agency officials adequate time to review the final rules and determine how
 3 they would like to proceed with this litigation. ECF 137. On February 16, 2021, the
 4 court granted the requested stay and vacated the existing court deadlines. ECF
 5 139.

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 7 5. On April 19, 2021, the Court granted an additional 60-day stay and ordered
 8 that the parties file a joint status report no later than June 18, 2021. ECF 141.

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 10 6. Following the Administration's review of the contested rules, on June 4, 2021,
 11 the Services announced that they intend to propose to rescind some aspects of the
 12 final rules and revise other aspects of the final rules at issue in this case.²

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 14 7. This information was conveyed to the parties on June 4, 2021. However, the
 15 Services have not yet finalized a schedule for, or identified certain details of, the
 16 proposed rulemakings. In light of the lack of a schedule and further details, the
 17 Federal Defendants and Plaintiffs stipulate to continue the stay of proceedings for
 18 an additional 30 days. This will allow the parties to discuss further proceedings.

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 20 8. Granting this motion will not prejudice any party, will conserve the parties'
 21 resources, and will promote the interest of judicial economy.

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 23 For the foregoing reasons, Federal Defendants and Plaintiffs respectfully
 24 request that the Court continue the stay of proceedings in this case for an

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 27 ² See, https://www.fws.gov/news/ShowNews.cfm?ref=u.s.-fish-and-wildlife-service-and-noaa-fisheries-to-propose-regulatory-&_ID=36925

1 additional 30 days to July 19, 2021. Upon expiration of the stay, the parties will file
2 a joint status report proposing further proceedings.
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4

5 DATED: June 18, 2021.

6
7 JEAN E. WILLIAMS,
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10 /s/ Coby Howell.

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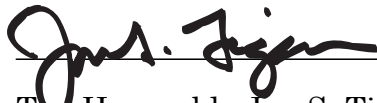
Attorneys for Plaintiffs

1 * In compliance with Civil Local Rule 5-1(i), the filer of this document attests that
2 all signatories listed have concurred in the filing of this document.

3
4 ~~PROPOSED~~ ORDER

5 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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7 Dated June 21, 2021 :

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10 The Honorable Jon S. Tigar
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